

Message Text

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E.O. 11652: GDS
TAGS:CGEN, EEW, UR, US (CRAWFORD)
SUBJECT: CRAWFORD CASE: DISCUSSION WITH I-H OFFICIALS

SUMMARY: INTERNATIONAL HARVESTER OFFICIAL BOOTH HAS BEEN TOLD BY KGB OFFICIAL INVESTIGATING CRAWFORD CASE THAT LATTER WILL BE BROUGHT TO TRIAL AT EARLY DATE. BOOTH AND COLLEAGUES PLAN TO SEE FIRST DEPUTY PROCURATOR GENERAL REKUNKOV SEPTEMBER 1 TO ASK THAT CRAWFORD BE RELEASED WITHOUT TRIAL OR, ALTERNATIVELY, THAT CHARGES BE DIVIDED TO PERMIT QUICK TRIAL AND EXPULSION. I-H LAWYER, MAGGS, SUGGESTED THAT SOVIETS MUST BE ASKED TO EXPEL CRAWFORD PRIOR TO HIS TRIAL.

1. INTERNATIONAL HARVESTER ASSOCIATE GENERAL COUNSEL ROBERT W. BOOTH, ACCCOMPANIED BY EXPERT ON 20TH CENTURY SOVIET CIVIL LAW PROFESSOR PETER MAGGS, I-H REPRESENTATIVE JOHN CHELLMAN AND FRANCIS J. CRAWFORD CALLED ON E/C COUNSELOR AUGUST 31 TO REVIEW STATUS OF CASE.

2. BOOTH STATED AT OUTSET THAT IT APPEARED BREZHNEV AND ARMAND HAMMER HAD DECIDED THAT CRAWFORD IS TO BE BROUGHT TO TRIAL AND THEN EXPELLED. COUNSELOR COMMENTED THAT IF SUCH A DECISION HAS BEEN TAKEN BY BREZHNEV, HE PROBABLY DID NOT SHARE THE RESPONSIBILITY

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ITY WITH HAMMER. BOOTH RELATED THAT HE HAD BEEN TOLD OF LIKELIHOOD OF EARLY TRIAL BY KGB OFFICIAL HANDLING THE INVESTIGATION, BUT THIS WAS NOT YET A CERTAINTY.

3. BOOTH SAID THAT HE AND PROFESSOR MAGGS HAVE APPOINTMENT TOMORROW WITH ALEKSANDR REKUNKOV, FIRST DEPUTY PROCURATOR GENERAL. APPOINTMENT WAS MADE AT

I-H REQUEST BUT AGREED TO SO READILY BY SOVIETS THAT HE THOUGHT REKUNKOV WAS ALSO INTERESTED IN MEETING. BOOTH AND MAGGS STATED THAT THEY WOULD ASK THAT CRAWFORD BE RELEASED WITHOUT A TRIAL. IF THIS PROVES UNACCEPTABLE TO REKUNKOV, THEY WILL ASK THAT CHARGES AGAINST CRAWFORD BE DIVIDED SO THAT TRIAL CAN BE QUICK. ANOTHER ALTERNATIVE THEY INTEND TO PURSUE, ACCORDING TO MAGGS, IS THAT CRAWFORD BE EXPELLED FIRST AND TRIED IN ABSENTIA. COUNSELOR COMMENTED THAT IN THIS CASE IT SHOULD BE MADE ABSOLUTELY CLEAR THAT CRAWFORD'S DEPARTURE WAS AT SOVIET BEHEST, LEST HIS PRE-TRIAL DEPARTURE BE MISINTERPRETED AS UNAUTHORIZED FLIGHT FROM THE AMBASSADOR'S CUSTODY. MAGGS SAID THAT SOVIETS COULD, IN EFFECT, RECEIVE CRAWFORD BACK FROM AMBASSADOR'S CUSTODY AND THEN EXPEL HIM. (ON BASIS OF EVIDENCE AT HAND, WE HOLD IT UNLIKELY THAT SOVIETS WILL AGREE TO EXPEL CRAWFORD PRIOR TO HOLDING HIS TRIAL.)

4. MAGGS STATED THAT HE HAD MADE A CAREFUL REVIEW OF ALL THE EVIDENCE IN THE CRAWFORD CASE. IT WAS CLEAR FROM SUCH ANALYSIS THAT THE CASE AGAINST HIM WAS A BOGUS ONE. HOWEVER, THIS WOULD NOT BE APPARENT TO THE CASUAL READER. ON THE BASIS OF THE EVIDENCE, SAID MAGGS, A PLAUSIBLE CASE COULD BE CONSTRUCTED WHICH WOULD BE CONVINCING TO THE AVERAGE PERSON. TO EVERYONE ACQUAINTED WITH ACTUAL

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PRACTICE IN THE USSR (COMMENT: AS MAGGS IS), IT IS OBVIOUS THAT NO KNOWLEDGABLE PERSON WOULD HAVE DONE MANY OF THE ACTS WHICH THE SOVIETS AScribe TO CRAWFORD, SUCH AS TELLING PERSONS ON THE TELEPHONE TO BRING THE MONEY TO THE I-H OFFICE, ETC. MAGGS SAID THAT HE AND HIS COLLEAGUES DID NOT WISH TO POINT TO DISCREPANCIES IN CASE AGAINST CRAWFORD, HOWEVER, SINCE SOVIETS HAD PREVIOUSLY EXPLOITED CRAWFORD'S STATEMENTS TO ELIMINATE GAPS IN THEIR CASE AGAINST HIM. FOR EXAMPLE, WHEN CRAWFORD WOULD POINT OUT AN OBVIOUS INCONSISTENCY TO HIS INTERROGATORS, THEY WOULD GO OUT AND DEVELOP A WITNESS WHO WOULD TESTIFY ON THE POINT AGAINST CRAWFORD.

5. MAGGS INQUIRED IF THERE WERE ANY RELATIONSHIP BETWEEN THE LIKELY DATE OF CRAWFORD'S TRIAL AND THE BAIL CONDITIONS ESTABLISHED FOR THE TWO SOVIETS CHARGED WITH ESPIONAGE IN THE UNITED STATES. COUNSELOR SAID THAT WE KNEW OF NO SUCH LINKAGE AND HOPED THAT SOVIETS WOULD NOT PERSIST IN TRYING TO COUPLE THESE TWO MATTERS.

6. BOOTH INQUIRED IF WE HAD ANY ADDITIONAL INFORMATION ABOUT ARMAND HAMMER'S REMARKS TO THE PRESS OR ANY

INSIGHTS ABOUT THE CASE. COUNSELOR SAID THAT REPORT OF AN EARLY TRIAL CHECKED WITH OTHER INFORMATION WE HAD RECEIVED ON THE SUBJECT. WE COULD ONLY HOPE THAT NOW THAT SOVIETS ARE AWARE OF THE DETERMINATION WITH WHICH USG AND AMERICAN BUSINESS LEADERS ARE FOLLOWING THIS CASE THAT THEY WILL OPT FOR A PROMPT AND POSITIVE RESOLUTION.

7. BOOTH AND MAGGS SAID THAT THEY INTEND TO STAY IN THE USSR THROUGH THE PERIOD OF THE TRIAL, IF POSSIBLE. THEIR PRESENT VISAS EXPIRE ON SEPTEMBER 9. GARRISON

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